

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 2341 of 2005

Between:

Sri Sai Residents Association, Durgabai Deshmukh Colony,
Baghamberpet, Hyderabad, its President G. Krishna.

..... PETITIONER

AND

The Municipal Corporation of Hyderabad, Rep. by its Deputy Commissioner, Circle-III, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus, declaring the action of the respondent in seeking to demolish the petitioner's building bearing No.2-2-16, situated at Durgabai Deshmukh Colony, Baghamberpet, Hyderabad, as being arbitrary, illegal and unconstitutional, apart from being contrary to provisions of Hyderabad Municipal Corporation Act, 1955 and also violative of principles of natural justice and issue a consequential direction, directing the respondent not to take any further steps without following the due process of law and pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.SATYANARAYANA PEDDAPALLI

Counsel for the Respondent No.: MR.RAMA RAO GHANTA, STANDING

COUNSEL FOR MUNICIPALITY

The Court made the following :

THE HON'BLE MS. JUSTICE G. ROHINI

WRIT PETITION No. 2341 of 2005

ORDER:

This writ petition is filed aggrieved by the alleged action of the respondent-Corporation in seeking to demolish the building bearing No.2-2-16, situated at Durgabai Deshmukh Colony, Baghamburpet, Hyderabad, without following the due procedure as prescribed under the Hyderabad Municipal Corporation Act, 1955.

Having heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the Respondent-Corporation, without expressing any opinion

on merits, the writ petition is disposed of with a direction to the respondent not to demolish the premises in question without following due process of law. No order as to costs.

11thFebruary, 2005

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Copy to:

1. The Deputy Commissioner, Municipal Corporation of Hyderabad, Circle-III, Hyderabad.
2. Two C.D. Copies.